

Docket 78-108, FCC 85-648, adopted December 10, 1985. 102 FCC 2d 1179; 51 FR 3049, January 23, 1986.

(b) See Policy Statement and Order, FCC 90-195, adopted May 10, 1990. 5 FCC Rcd 3252, 55 FR 23082, June 6, 1990.

(c) See Memorandum Opinion and Order, FCC 91-146, adopted May 1, 1991. 6 FCC Rcd 3448, 56 FR 25633, June 5, 1991.

(d) See Memorandum Opinion and Order, FCC 92-448, adopted September 18, 1992. 7 FCC Rcd 6564, 57 FR 47410, October 16, 1992.

[59 FR 52087, Oct. 14, 1994]

Subpart I—Competitive Bidding Procedures

SOURCE: 63 FR 48629, Sept. 11, 1998, unless otherwise noted.

EFFECTIVE DATE NOTE: At 63 FR 48629, Sept. 11, 1998, Subpart I was added, effective Nov. 10, 1998.

§ 73.5000 Services subject to competitive bidding.

(a) Mutually exclusive applications for new facilities and for major changes to existing facilities in the following broadcast services are subject to competitive bidding: AM; FM; FM translator; analog television; low power television; and television translator. Mutually exclusive applications for new facilities and for major changes to existing facilities in the Instructional Television Fixed Service (ITFS) are also subject to competitive bidding. The general competitive bidding procedures found in 47 CFR part 1, subpart Q will apply unless otherwise provided in 47 CFR part 73 and Part 74.

(b) Mutually exclusive applications for broadcast channels in the reserved portion of the FM band (Channels 200-220) and for television broadcast channels reserved for noncommercial educational use are not subject to competitive bidding procedures.

§ 73.5001 Competitive bidding procedures.

(a) Specific competitive bidding procedures for broadcast service and ITFS auctions will be set forth by public notice prior to any auction. The Commission may also design and test alter-

native procedures, including combinatorial bidding and real time bidding. See 47 CFR 1.2103 and 1.2104.

(b) The Commission may utilize the following competitive bidding mechanisms in broadcast service and ITFS auctions:

(1) *Sequencing*. The Commission will establish and may vary the sequence in which broadcast service construction permits and ITFS licenses will be auctioned.

(2) *Grouping*. In the event the Commission uses either a simultaneous multiple round competitive bidding design or combinatorial bidding in broadcast service or ITFS auctions, the Commission will determine which construction permits or licenses will be auctioned simultaneously or in combination.

(3) *Reservation price*. The Commission may establish a reservation price, either disclosed or undisclosed, below which a broadcast construction permit or ITFS license subject to auction will be not awarded.

(4) *Minimum and maximum bid increments*. The Commission may, by announcement before or during broadcast service or ITFS auctions, require minimum bid increments in dollar or percentage terms. The Commission may, by announcement before or during broadcast service or ITFS auctions, establish maximum bid increments in dollar or percentage terms.

(5) *Minimum opening bids*. The Commission may establish a minimum opening bid for each broadcast construction permit or ITFS license subject to auction.

(6) *Stopping rules*. The Commission will establish stopping rules before or during multiple round broadcast service or ITFS auctions in order to terminate the auction within a reasonable time.

(7) *Activity rules*. The Commission will establish activity rules which require a minimum amount of bidding activity. In the event that the Commission establishes an activity rule in connection with a simultaneous multiple round auction, each bidder will be entitled to request and will be automatically granted a certain number of waivers of such rule during the auction.